

FILED  
CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

IN THE UNITED STATES DISTRICT COURT

2006 APR -5 PM 2:07

FOR THE DISTRICT OF DELAWARE

S.O.I.TEC SILICON ON INSULATOR  
TECHNOLOGIES S.A. and SOITEC USA,  
INC.,

Plaintiffs and Counterclaim  
Defendants,

v.

MEMC ELECTRONIC MATERIALS,  
INC.,

Defendant and Counterclaim  
Plaintiff,

JURY TRIAL DEMANDED

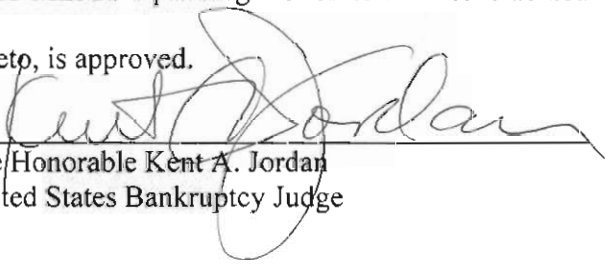
Civil Action No. 05-806-KAJ

**ORDER**

Upon consideration of the Stipulation between plaintiffs S.O.I.TEC Silicon on Insulator Technologies S.A. and SOITEC USA, Inc. and defendant MEMC Electronic Materials, Inc., ("MEMC"), whereby the parties stipulated and agreed to remove six (6) of the seven (7) patents in the original Complaint from the action, leaving in controversy issues regarding United States Patent No. 6,236,104 (the "104 Patent"):

IT IS HEREBY ORDERED THAT MEMC's pending motion to dismiss is denied as moot and the Stipulation, attached hereto, is approved.

Dated: April 5, 2006

  
The Honorable Kent A. Jordan  
United States Bankruptcy Judge

**COPY**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

S.O.I.TEC SILICON ON INSULATOR  
TECHNOLOGIES S.A. and SOITEC USA,  
INC.,

Plaintiffs and Counterclaim  
Defendants,

v.

MEMC ELECTRONIC MATERIALS,  
INC.,

Defendant and Counterclaim  
Plaintiff.

**JURY TRIAL DEMANDED**

Civil Action No. 05-806-KAJ

**STIPULATION REGARDING MOTION TO DISMISS  
SIX PATENTS IN ORIGINAL COMPLAINT**

Plaintiffs S.O.I.TEC Silicon On Insulator Technologies S.A. and Soitec USA, Inc. (collectively, "SOITEC") and Defendant MEMC Electronic Materials, Inc. ("MEMC") have agreed to remove six (6) of the seven (7) patents in the original Complaint from this action, leaving in controversy issues regarding United States Patent No. 6,236,104 (the "104 Patent").

Contemporaneous with this Stipulation, Plaintiffs have filed an unopposed motion for leave to amend their original Complaint.

Therefore, in accord with their agreement, the parties jointly request that the Court deny MEMC's pending Motion to Dismiss as moot as provided in the attached form of order.

Respectfully submitted,

Dated: April 5, 2006

**EDWARDS ANGELL PALMER &  
DODGE LLP**

/s/ John L. Reed  
John L. Reed (I.D. No. 3023)  
Denise Seastone Kraft (I.D. No. 2778)  
919 N. Market Street, Suite 1500  
Wilmington, DE 19801  
302.777.7770  
302.777.7263 (Fax)  
[jreed@capdlaw.com](mailto:jreed@capdlaw.com)  
[dkraft@capdlaw.com](mailto:dkraft@capdlaw.com)

**CONNOLLY BOVE LODGE & HUTZ LLP**

/s/ Patricia Smink Rogowski  
Patricia Smink Rogowski (I.D. No. 2632)  
1007 N. Orange Street  
P.O. Box 2207  
Wilmington, DE 19899-2207  
302.658.9141  
302.658.5614 (Fax)  
[progowski@cblh.com](mailto:progowski@cblh.com)